

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GREG ROBBINS,)
)
Plaintiff,)
)
v.) Case No. CIV-16-1195-D
)
FNU THOMPSON, et al.,)
)
Defendants.)

ORDER

Plaintiff, a prisoner appearing pro se, filed this action under 42 U.S.C. § 1983 alleging various violations of his constitutional rights. The matter was referred to Magistrate Judge Shon Erwin for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). On November 4, 2016, Judge Erwin granted Plaintiff's Motion to Proceed In Forma Pauperis, but, pursuant to 28 U.S.C. § 1915(b)(1), ordered Plaintiff to pay an initial partial filing fee of \$35.79 [Doc. No. 9]. Judge Erwin advised Plaintiff that he could voluntary dismiss his action on or before November 25, 2016, without incurring any fees or costs.

Plaintiff, however, failed to pay the initial partial filing fee, and on November 30, 2016, Judge Erwin issued a Report and Recommendation [Doc. No. 10] in which he recommended that Plaintiff's action be dismissed without prejudice for failing to pay the initial fee as directed. In his Report and Recommendation, Judge Erwin advised Plaintiff of the right to file objections to

the same and directed him to file any objections no later than December 19, 2016. *Id.* at 2. Judge Erwin further admonished Plaintiff that failure to timely object would constitute a waiver of the right to appellate review of the factual and legal issues addressed in the Report and Recommendation. *Id.* The deadline for filing objections has expired and to date, Plaintiff has neither filed an objection nor sought an extension of time in which to do so. Accordingly, the Report and Recommendation is **ADOPTED** as though fully set forth herein.

IT IS THEREFORE ORDERED that the present action is **DISMISSED** without prejudice to refiling. A judgment shall be issued forthwith.

IT IS SO ORDERED this 27th day of December, 2016.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE